

In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 7737 of 2003

Date of Decision: September 11, 2006

Raj Kumar

...Petitioner

Versus

Haryana Roadways Engineering Corporation Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. R.N. Sharma, Advocate,
for Mr. N.D. Achint, Advocate,
for the petitioner.

Mr. Naresh Prabhakar, Advocate,
for respondent Nos. 1 and 2.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner had earlier filed C.W.P. No. 14983 of 2000 in this Court, which was disposed of on 11.1.2003 by directing the respondents to consider the representation made by the petitioner by passing a speaking order thereon. A period of four months was fixed. Accordingly, the representation of the petitioner has been considered, which raised two issues. With regard to Issue No. 1, the petitioner has been given the relief of reinstatement in service with continuity on the same status as he was enjoying before his termination. He has also been paid back wages from the date of demand notice i.e. 23.11.1993 and arrears of wages have also been paid to him from that date till 20.6.2001 @ Rs. 600/- as per the claim

made in the demand notice. It is further appropriate to mention that the aforementioned directions were issued on account of the award dated 14.8.1998 passed by the Labour Court, which was upheld by this Court in C.W.P. No. 2252 of 1999, decided on 3.8.2000. The second issue raised before the respondents was regarding regularisation of his services w.e.f. 23.9.1993. On the ground that the petitioner did not fulfil three years of service in accordance with the policy instructions existing at that time, his services were not regularised. It has been found that he had completed two years two months and eight days service on 31.1.1996 (from 23.11.1993 to 31.1.1996). It was also found that no fresh policy instructions had been issued by the Government regarding regularisation after 31.1.1996. In any case, such a relief cannot be given to the petitioner by this Court in view of the judgment of Hon'ble the Supreme court in the case of **Secretary, State of Karnataka & others v. Umadevi & others**, (2006) 4 SCC 1. Therefore, there is no merit in the second issue raised. Accordingly, we dismiss the writ petition.

(M.M. KUMAR)
JUDGE

September 11, 2006
Pkapoor

(M.M.S. BEDI)
JUDGE